

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARY KITRIDGE, )  
Plaintiff, ) 8:05cv416  
vs. ) MEMORANDUM AND ORDER  
TYSON FRESH MEATS, INC., )  
Defendant. )

This matter is before the court on filing no. 16, the Motion to Reopen Case filed by the pro se plaintiff, Mary Kitridge. Insofar as the above-entitled case asserts claims arising under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 *et seq.* ("ADEA"), the case is untimely, and the plaintiff's ADEA claims have been dismissed. On the other hand, insofar as the plaintiff asserts claims under the Nebraska Act Prohibiting Unjust Discrimination in Employment Because of Age, Neb. Rev. Stat. §§ 48-1001 *et seq.* ("Nebraska Age Discrimination Act"), those claims are not dismissed. They have been remanded for further proceedings<sup>1</sup> to the District Court of Lancaster County, Nebraska, where the plaintiff originally filed this action.

IT IS THEREFORE ORDERED:

1. That filing no. 16, the plaintiff's Motion to Reopen Case, is denied; and
2. That the Clerk of Court has been directed to send the part of this case based on the Nebraska Age Discrimination Act back to the Clerk of the District Court of Lancaster County, Nebraska, pursuant to 28 U.S.C. § 1447(c) for such further proceedings as that court deems appropriate.

DATED this 24<sup>th</sup> day of October, 2005.

BY THE COURT:

s/ *Richard G. Kopf*  
United States District Judge

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<sup>1</sup>See generally 1977 Neb. Op. Atty. Gen. No. 194, 1977 WL 25383 (Neb. A.G. Sept. 20, 1977).